

APPEAL OF PC APPROVAL OF 85 N. LA CUMBRE RD PROJECT RECEIVED

In the name of:

JUN 12 2006

MIRIAM FLACKS

CITY CLERK'S OFFICE
SANTA BARBARA, CA

Date of decision: June 1, 2006 - ~~to approve~~ Project.

Decision appealed ~~from~~:

Reason
for
appeal:

To demolish 10 apartments (and other structures) and replace with 9 condos (including 1 at same density for "middle-income homebuyers". Presumably, the other condos would not be affordable to "middle-income" buyers.)

City Housing Element update, and previous City Council actions (e.g. on 1620 Garden St.) indicate policies that seek to preserve rental housing stock and discourage conversions which result in "gentrification."

Miriam Flacks

1603 GARDEN ST.

SANTA BARBARA, CA 93101

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c: City Administrator
City Attorney
Community Development Director
Planning Division
6-13-06, bea

**AN APPEAL OF A CITY PLANNING COMMISSION DECISION OF A
PROJECT AT 85 NORTH LA CUMBRE ROAD**

NAME OF APPELLANT:

Santa Barbara County Action Network (SB CAN)
Mickey Flacks

DATE OF PC DECISION:

June 1, 2006

DECISION TO BE APPEALED:

Approval of the proposed project

THE PROJECT SHOULD BE DENIED FOR THE FOLLOWING REASONS:

It is inconsistent with and thwarts the objectives of the (existing) Housing Element.

It is not consistent with the following provision:

AConserve the City's existing housing stock and improve its condition while minimizing displacement; maintaining housing affordable to all economic groups with special emphasis on low income, moderate income and special needs households; and preventing future blight or deterioration. [...]@

Policy 2.2 states: "The City shall protect and preserve existing housing in all parts of the City to the extent feasible under State Law" and recommends Implementation Strategies including:

2.2.1 Amend the Municipal Code to include a Demolition Review Ordinance to protect the City's historic residential resources.

2.2.4.1 Research legal and feasible ways to regulate projects which propose to demolish rental units and re-build condominiums.

Policy 2.5: Maintain the affordability of existing low- and moderate-income dwelling units.

If the project will frustrate the General Plan's goals and policies, it is inconsistent unless it also includes definite affirmative commitments to mitigate the adverse effect or effects. *Napa Citizens for Honest Government v. Board of Supervisors* (1991 Cal.App.4th 342).

It is also clear that the City can deny a condominium project because of its 'domino effect', even if the individual project does not have a significant effect itself, by creating the impetus and precedent for other conversions, the cumulative effect would be serious, and the and the impact upon the number of rental units available in the City. *Rasmussen v. City of Tiburon* (1983 140 Cal. App. 23d 842.) approved with additional conditions.

Inconsistency with the intent of the R-3 zone

Policy 4.4: Ensure that new market-rate residential development is consistent with City housing goals.

Implementation strategies for this goal includes policies to **“discourage the development of large, high-end condominiums in multi-family and commercial zones”**

It can be presumed that since the R-3 zone pre-dates the condo conversion ordinance [1957 vs. 1980], and since the definition of a "multiple residential unit" [28.04.419] is "a building, or portion thereof, configured and/or occupied as three or more residential units and including apartment houses but not including hotels", it is clear that this is the primary zone district for apartments in the City. If the R-3 zone is going to be transformed into condominiums, what zone district will serve for the construction of new rental apartments?

This project would, like the proposal at 1620 Garden Street, increase the “gentrification” process in our community, and decrease the numbers of affordable units. Is this really what we want to do? Is this what existing City policies seek to achieve? We believe not, and are hereby appealing the decision to destroy 10 affordable apartments and build 9 high-end condos with one “affordable to the middle-income buyer”...

Miriam (Mickey) Flacks
(Signature on file)
1603 Garden St
SB, CA 93101

SB CAN, Mary E. O’Gorman, Exec. Dir.
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SB, CA 93121